

REMARKS

Receipt of the Office Action of August 13, 2007 is gratefully acknowledged.

The objection to the substitute specification filed on May 31, 2007 is noted. In reply thereto, a substitute specification is again being transmitted but without the handwritten annotation and with a statement under 37 CFR 1.125. Regarding the informalities b. - e. identified on page 3 of the Office Action, it is noted that b. and d. were corrected by the AMENDMENT filed February 22, 2006. The informalities c. and e. and corrected with the present REQUEST.

The objection to claim 10 is noted. In reply, claim 10 has been amended change "first fluid line in line 8 to "said first fluid line."

The rejection of claims 14, 15, 25, 28, 31 and 34 under 35 USC 103(a) over JP '554 or JP '634 in view of Wilmer et al is noted and respectfully traversed.

It is respectfully submitted that none of the references cited under U.S.C. 35 103(a) disclose the features of claim 14 whereby an instantaneous set point for a totalized volumetric or mass flow rate of the second fluid is determined based on the first measured flow rate of the first fluid flowing from the first fluid line into the third fluid line, and causing the second fluid to flow into the third fluid line at least until the totalized volumetric or mass flow rate of the second fluid reaches the set point. Therefore, neither one of these documents as such, nor any combination thereof does disclose the subject matter as covered by claims 14, 15, and 25 – 34.

Moreover, neither U.S. 5,527,706 (=JP-A 7-198554), nor JP '634 teaches

or suggests any flow rate measurement within a first fluid line conducting a first fluid to be mixed with a second fluid conducted in a second fluid line. In this regard, U.S. 5,527,706 only teaches the use of a quality calculation for a mixture ratio based on a conductivity measurement for any fluid within the central third line (see also col. 3, line 65 – col. 4, line 15). On the other hand, JP '634 teaches, it is respectfully submitted, away from the subject matter of the rejected claims, since it teaches, for example, in the abstract that it intends to "...provide an in-line type flow rate mixer...without any flow rate controller..." and further that in "...such constitution, the fluid rate controllers such as a flowmeter...are not required...". In any event, both references are absolutely silent about flow rate measurement in connection with any in-line mixing.

Moreover, there is no hint or any linkage, which would enable the person skilled in the art to combine one of these documents with the subject matter as disclose in Wilmer (U.S. 6,923,568) without employing hindsight.. Noting Wilmer, at col. 12, lines 36 – 40, it should be clear that the mixing process disclosed therein is based - in contrast to the present invention - only on concurrently flowing first and second fluids.

Further, considering Wilmer, at col. 14, lines 29 – col. 15, one would learn that Wilmer does disclose two alternative embodiments, with the first embodiment discussed with respect to Fig. 9 and the second embodiment discussed with respect to Fig. 10. In both embodiments the flow rate of the first fluid is held to be constant, while the flow rate of the second fluid, which flows concurrently with the first fluid, may vary according to a desired quality of the mixture. However, Wilmer is absolutely silent about any alternating flow of the first and second fluids as well as determining any set point for a totalized mass flow of one of these fluids based on a flow rate measurement for the other fluid

U.S. Pat. Appl. 10/633,599

as clearly event by claim 14.


Consequently, none of these references discloses a fluid mixing process with first and second fluid lines alternately connected to a third fluid line for conducting a fluid mixture produced from first and second fluids conducted in the first and second fluid line, respectively, which uses also in-line flow rate measurement and set point determination as recited in claim 14.

In view of the noted distinctions, claims 14 and claims 15, 25, 28, 31 and 34, which depend from claim 14 should also be allowed. Also, claims 26, 27, 29, 30, 32 and 33 should also be allowed because of their dependence, either directly or indirectly, upon claim 14.

Finally, the allowance of claims 10 c- 13, 16 - 24 and 35 - 40 is sincerely appreciated.

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Respectfully submitted,
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